

REMARKS

Claims 1-47 are pending in this application, all of which stand rejected. Applicant respectfully traverses the Examiner's rejections. Further examination and review in view of the remarks below are respectfully requested.

In the Office Action mailed on March 26, 2004 (Paper No. 9), the Examiner rejected claims 1, 10, 22, 33 and 40 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,021,398 to Ausubel ("Ausubel"), and rejected claims 2-9, 11-21, 22-32, 34-39 and 41-47 under 35 U.S.C. § 103(a) as being unpatentable over Ausubel.

Applicant's techniques are directed to an auction bidding system that allows a bidder to direct automatic bidding at multiple auctions in accordance with bidding techniques specified by a bidder. To direct the automatic bidding, the bidding system allows the bidder to specify the auctions at which the bids may be placed. The bidding system also allows the bidder to specify the bidding technique that should be used when bidding at the specified auctions on the bidder's behalf. Bidding techniques are rules for managing sequential and/or parallel bidding on multiple auctions.

All of the claims stand rejected over Ausubel. Ausubel is directed to a more limited approach to enabling flexible bidding by participants in a dynamic auction. In Ausubel, bidders are provided the opportunity to submit bids using "bidding rules." Using bidding rules, a bidder is able to submit a single bid that contains not only their current bid, but also future bids (to be more precise, bidding rules which may have the opportunity to become relevant at future times or prices) for the auction. The bid containing the bidding rules are submitted for a single auction and, at any single point during the auction, at most one bid derived from the bidding rules is active.

The dynamic auction of Ausubel is a single auction. The Examiner indicated that the treasury bills auction example of Ausubel (col. 13, lines 6-18) corresponds to the provision of placing bids at a plurality of auctions so that multiple bids are pending simultaneously. Applicant respectfully disagrees. The treasury bills auction of Ausubel is a single auction for a combination of items in that a single auctioneer (i.e., central bank) "sought to simultaneously sell a fixed quantity of three-month and six-month

treasury bills, . . . and was going to proceed by reducing the interest rate by 0.01% on whichever bill is more oversubscribed, until supply equals demand for both bills." (col. 13, lines 12-18). The items being offered in the single auction is the quantity of three-month treasury bills and the quantity of six-month treasury bills. Moreover, a combination of these items are being offered in the single auction because one auctioneer "was going to proceed by reducing the interest rate by 0.01% on whichever bill is more oversubscribed, until supply equals demand for both bills." In contrast, if this was truly two independent auctions, the auctioneer would not be able to determine the combination three-month and six-month treasury bills that is ultimately sold by "reducing the interest rate by 0.01% on whichever bill is more oversubscribed, until supply equals demand for both bills." Stated another way, in two truly independent auctions, the auctioneer would not be able to modify the offer of the first auction by the bids received in a second auction.

Furthermore, if the treasury bills auction of Ausubel is in fact two auctions as the Examiner indicates, then, the bidder (i.e., the securities dealer) in the auction would not be able to place the flexible bid information as illustrated at column 13, lines 24-32, of Ausubel. The flexible bid information submitted by the bidder contained bids that depended on the interest rate being offered for both the three-month and six-month treasury bills, as well as relationships between the offered interest rates. The flexible bid is only possible because the treasury bills auction was a single auction for a combination of items. In contrast, in two independent auctions, the auctioneer of a first auction would not permit a bidder to retract a pending bid in the first auction based on what was occurring in a second auction.

Claims 1, 10 and 40 each recite "receiving an indication of a bidding technique to apply to the indicated **auctions**." Claims 22 and 33 each recite "a bidding plan that specifies to bid at **multiple auctions**."

In rejecting the claims, the Examiner indicated that the flexible bid function of the bidding rules in Ausubel corresponds to the provision of providing a bidding technique to apply to the indicated **auctions** recited by the claims.

Applicant respectfully disagrees with the Examiner. As described above, the flexible bid function of the bidding rules disclosed in Ausubel applies only to a single auction. The flexible bid function enables a bidder to "input 'responses' consisting of bidding rules (including limitations, if desired) for both the current price and subsequent prices as well." (col. 11, lines 7-9). "Each line, other than the first, is applicable to a price different from the current price and, in some cases, the bid is contingent." (col. 11, lines 32-35). In contrast, in Applicant's application, the bidding techniques are used to direct automatic bidding at multiple auctions.

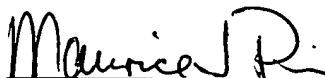
Accordingly, Applicant respectfully requests reconsideration and allowance of claims 1, 10, 22, 33 and 40. Furthermore, claims 2-9, 11-21, 22-32, 34-39 and 41-47 depend from claims 1, 10, 22, 33 and 40, respectively, and are therefore allowable on the same basis as claims 1, 10, 22, 33 and 40.

Conclusion

In view of the foregoing, Applicant respectfully submits that claims 1-47 are allowable and asks that this application be passed to allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8000.

Respectfully submitted,
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Date: September 24, 2004


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